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CORPORATE AWARENESS ABOUT IPR: A STUDY WITH REFERENCE TO MAHARASHTRA STATE

Dr. Ranjana Pawar

ABSTRACT

Intellectual property (IP) is a term referring to a number of distinct types of creations of the mind for which a set of exclusive rights are recognized—and the corresponding fields of law. Under intellectual property law, owners are granted certain exclusive rights to a variety of intangible assets, such as musical, literary, and artistic works; discoveries and inventions; and words, phrases, symbols, and designs. Common types of intellectual property rights include copyrights, trademarks, patents, industrial design rights and trade secrets in some jurisdictions.

KEYWORDS: Intellectual property (IP) , set of exclusive rights , patents, industrial design rights .

INTRODUCTION

Although many of the legal principles governing intellectual property have evolved over centuries, it was not until the 19th century that the term intellectual property began to be used, and not until the late 20th century that it became

commonplace in the majority of the world.

The British Statute of Anne 1710 and the Statute of Monopolies 1623 are now seen as the origins of copyright and patent law respectively.

Modern usage of the term intellectual property goes back at least as far as 1867 with the founding of the North German Confederation whose constitution granted legislative power over the protection of intellectual property (Schutz des geistigen Eigentums) to the confederation. When the administrative secretariats established by the Paris Convention (1883) and the Berne Convention (1886) merged in 1893, they located in Berne, and also adopted the term intellectual property in their new combined title, the United International Bureaux for the Protection of Intellectual Property. The organisation subsequently relocated to Geneva in 1960, and was succeeded in 1967 with the establishment of the World Intellectual Property Organization (WIPO) by treaty as an agency of the United Nations. According to Lemley, it was only at this point that the term really began to be used in the United States (which had not been a party to the Berne Convention), and it did not enter popular usage until passage of the Bayh-Dole Act in 1980. "The history of patents does not begin with inventions, but rather with royal grants by Queen Elizabeth I (1558-1603) for monopoly privileges... Approximately 200 years after the end of Elizabeth's reign, however, a patent represents a legal [right] obtained by an inventor providing for exclusive control over the production and sale of his mechanical or scientific invention... [demonstrating] the evolution of patents from royal prerogative to common-law doctrine."

The term "intellectual property" is simply a convenient label for such kinds of property as Copyright, Trademarks, Patents, Designs which fall under the heading of choses in action or incorporeal moveable property.



OBJECTIVES:

Present paper aims to analyse the opinions of corporate and legal practitioners about awareness of various Intellectual Property Rights.

SCOPE OF THE PAPER:

This paper covers the geographical area of the state of Maharashtra. It covers a study of opinions of Corporates and Law Practitioners. It is further related with Patents, Trade Marks & Design and Copy Right.

HYPOTHESIS OF THE PAPER:

The awareness about Intellectual Property Rights (IPR) among corporates are compared to legal practitioners is very less and it is necessary to improve the same.

AWARENESS OF TYPE OF INTELLECTUAL PROPERTY RIGHT:

The issues about Intellectual Property Right starts right from the awareness about the type of intellectual property rights. There are various types of IPR such as Patent, Trade Marks, Copyrights etc. The researcher has conducted opinion survey of corporates and law practitioners about their awareness of IPR.

Table No. 6.1
Opinion Analysis About Awareness of Type of Intellectual Property Right

Sr.	Particulars of IPR	Corporate					Law Practitioners				
		Yes	%	No	%	Total	Yes	%	No	%	Total
1.	Patent	42	35	78	65	120	73	60.83	47	39.17	120
2.	Trademark & Design	44	36.67	76	63.33	120	69	57.50	51	42.50	120
3.	Copy Right	39	32.50	81	67.50	120	68	56.67	52	43.33	120
	Total	125	104.17	235	195.83	360	210	175	150	125	360
	Average	41.67	34.72	78.33	65.28	120	70	58.33	50	41.67	120

Source : Primary Data.

Out of the sample of 120 corporates 42 (35%) have opined that they are aware of Patents, whereas 78 (65%) have opined that they are not aware of the patents. Similarly 44 (36.67%) have expressed the view that they are aware of Trade Marks & Design, whereas 76 (63.33%) have expressed the view that they are not aware of the trademarks and designs. In case of copy rights 39 (32.50%) corporates have reported that they are aware of the concept of copy right. Whereas 81 (67.50) corporates have reported that they are not aware of the concept of copy right.

Out of the sample of 120 Law Practitioners 73 (60.83%) have opined that they are aware of Patents, whereas 47 (39.17%) have opined that they are not aware of the patents. Similarly 69 (57.50%) have expressed the view that they are aware of Trade Marks & Design, whereas 51 (42.50%) have expressed the view that they are not aware of the trademarks and designs. In case of copy rights 68 (56.67%) Law Practitioners have reported that they are aware of the concept of copy right. Whereas 52 (43.33) Law Practitioners have reported that they are not aware of the concept of copy right.

Opinion Analysis About Awareness Registration Procedure :

The issues about Intellectual Property Right starts right from the awareness about the type of intellectual property rights. There are various types of IPR such as Patent, Trade Marks, Copyrights etc. The researcher has conducted opinion survey of corporates and law practitioners about their awareness of registration process.

Table No. 6.2
Opinion Analysis About Awareness About Registration Procedure

Sr.	Particulars of IPR	Corporate					Law Practitioners				
		Yes	%	No	%	Total	Yes	%	No	%	Total
1.	Patent	39	32.50	81	67.50	120	76	63.33	44	36.67	120
2.	Trademark & Design	43	35.83	77	64.17	120	72	60.00	48	40.00	120
3.	Copy Right	41	34.17	79	65.83	120	66	55.00	54	45.00	120
	Total	123	102.50	237	197.50	360	214	178.33	146	121.67	360
	Average	41.00	34.17	79.00	65.83	120	71.33	59.44	48.67	40.56	120

Source : Primary Data.

Out of the sample of 120 corporates 39 (32.50%) have opined that they are aware of registration procedure of patent, whereas 81 (67.50%) have opined that they are not aware of registration procedure of patents. Similarly 43 (35.83%) have expressed the view that they are aware of registration procedure of Trade Marks & Design, whereas 77 (64.17%) have expressed the view that they are not aware of registration procedure of trademarks and designs. In case of copy rights 41 (34.17%) corporates have reported that they are aware of registration procedure of concept of copy right. Whereas 79 (65.83%) corporates have reported that they are not aware of registration procedure of concept of copy right.

Out of the sample of 120 Law Practitioners 76 (63.33%) have opined that they are aware of registration procedure of patent, whereas 44 (36.67%) have opined that they are not aware of registration procedure of patents. Similarly 72 (60%) have expressed the view that they are aware of registration procedure of Trade Marks & Design, whereas 48 (40%) have expressed the view that they are not aware of registration procedure of trademarks and designs. In case of copy rights 66 (55%) corporates have reported that they are aware of registration procedure of concept of copy right. Whereas 54 (45%) corporates have reported that they are not aware of registration procedure of concept of copy right.

Opinion Analysis About Awareness of Application Method :

The issues about Intellectual Property Right starts right from the awareness about the type of intellectual property rights. There are various types of IPR such as Patent, Trade Marks, Copyrights etc. The researcher has conducted opinion survey of corporates and law practitioners about their awareness of application method.

Table No. 6.3
Opinion Analysis About Awareness About Application Method

Sr.	Particulars of IPR	Corporate					Law Practitioners				
		Yes	%	No	%	Total	Yes	%	No	%	Total
1.	Patent	44	36.67	76	63.33	120	78	65.00	42	35.00	120
2.	Trademark & Design	41	34.17	79	65.83	120	66	55.00	54	45.00	120
3.	Copy Right	46	38.33	74	61.67	120	61	50.83	59	49.17	120
	Total	131	109.17	229	190.83	360	205	170.83	155	129.17	360
	Average	43.67	36.39	76.33	63.61	120	68.33	56.94	51.67	43.06	120

Source : Primary Data.

Out of the sample of 120 corporates 44 (36.67%) have opined that they are aware of application method of patent, whereas 76 (63.33%) have opined that they are not aware of application method of patents. Similarly 41 (34.17%) have expressed the view that they are aware of application method of Trade Marks & Design, whereas 79 (65.83%) have expressed the view that they are not aware of application method of trademarks and designs. In case of copy rights 46 (38.33%) corporates have reported that they are aware of application method of concept of copy right. Whereas 74 (61.67%) corporates have reported that they are not aware of registration

procedure of concept of copy right.

Out of the sample of 120 Law Practitioners 78 (65%) have opined that they are aware of application method of patent, whereas 42 (35%) have opined that they are not aware of application method of patents. Similarly 66 (55%) have expressed the view that they are aware of application method of Trade Marks & Design, whereas 54 (45%) have expressed the view that they are not aware of application method of trademarks and designs. In case of copy rights 61 (50.83%) corporates have reported that they are aware of application method of concept of copy right. Whereas 59 (49.17%) corporates have reported that they are not aware of application method of concept of copy right.

CONCLUSIONS:

1. It is concluded that, on an average out of the 120 corporates an average of 41.67 (34.72%) have a positive opinion about the awareness of IPR and the remaining i.e. 78.33 (65.28%) have a negative opinion about the awareness of IPR. Whereas, in case of Law practitioners an average of 70 (58.33%) have a positive opinion about the awareness of IPR and the remaining i.e. 50 (41.67%) have a negative opinion about the awareness of IPR.

2. It is concluded that, the awareness of IPR among law practitioners (58.33%) is more as compared to that of corporates (34.72%).

3. It is concluded that, on an average out of the 120 corporates an average of 41 (34.17%) have a positive opinion about the awareness of registration procedure and the remaining i.e. 79 (65.83%) have a negative opinion about the awareness of registration procedure. Whereas, in case of Law practitioners an average of 71.33 (59.44%) have a positive opinion about the awareness of registration procedure and the remaining i.e. 48.67 (40.56%) have a negative opinion about the awareness of registration procedure.

4. It is concluded that, the awareness of registration procedure among law practitioners (59.44%) is more as compared to that of corporates (34.17%).

5. It is concluded that, on an average out of the 120 corporates an average of 43.67 (36.39%) have a positive opinion about the awareness of application method and the remaining i.e. 76.33 (63.61%) have a negative opinion about the awareness of application method. Whereas, in case of Law practitioners an average of 68.33 (56.94%) have a positive opinion about the awareness of application method and the remaining i.e. 51.67 (43.06%) have a negative opinion about the awareness of application method.

6. It is concluded that, the awareness of application method among law practitioners (56.94%) is more as compared to that of corporates (36.39%).

The policy of Globalization, Liberalization and Privatization have brought the concept of IPR. It has increased the competitive strength of MNCs. In spite of the growing importance of the concept of IPR and upcoming enactments and case laws. The awareness among corporates are compared to legal practitioners is very less and it is necessary to improve the same.

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